From:	Matt Stock
To:	Ebright, Stephanie
Subject:	FW: Enforcement Confidential: Nav Channel and Adjacent Sampling Results
Date:	Tuesday, November 26, 2019 3:56:20 PM
Attachments:	image001.png image002.png Combined_NAV_Site_RAL.pdf Combined_PTW.pdf Data_Tables_11-26-19.pdf

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Hi Stephanie,

Following up on Mike's email, I wanted to let you know that LSS is not available for a call on 12/2 or 12/5. We are available on 12/9 and 12/10 (after 11:30 AM). I'll let loop Jim Kincaid in, but I wanted to put these dates out there to see if the EPA could make either work.

Have a great holiday weekend,
Matt

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From: Michael PINTO [mailto:michael.pinto@total.com]
Sent: Tuesday, November 26, 2019 3:50 PM
To: Young.Hunter@epa.gov
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Subject: Enforcement Confidential: Nav Channel and Adjacent Sampling Results

ENFORCEMENT CONFIDENTIAL

Hunter,

As requested by EPA on October 30, attached are the figures and tables provided on October 25 revised to include sample locations within the Arkema project area adjacent to the navigation channel. LSS strongly believes these additional data further support the conclusion that the navigation channel has not been significantly impacted and no further characterization is necessary to establish a baseline for a potential MNR remedy.

Furthermore, LSS is unable to find any reference to a 150' x 150' sediment sampling density in the 1988 guidance cited by EPA. This sampling approach is without basis and is wholly inappropriate for an area where significant sampling data already exist (the Arkema project area is distinctive within Portland Harbor as to number and density of existing data points), the nature and magnitude of contamination in surrounding areas is known, and the data use objective is to establish a baseline rather than to support the design of an active remedy or assess potential risk.

LSS again emphasizes that the navigation channel is a distinct and separate exposure unit from the nearshore area (intermediate and shallow area). The ROD recognized this by establishing alternate RALs for the channel compared to the nearshore area. In viewing the sampling results in only the navigation channel without respect to the nearshore area, it is apparent that overlaying a 150' x 150' sampling grid onto the existing data is excessive and unwarranted. The potential that isolated blobs of significant exceedances are present between the existing data points is extremely remote, and the potential impact on navigation channel SWACs by outliers along the nearshore boundary is insignificant.

Regarding the very limited exceedances of the navigation channel RALs adjacent to the navigation channel/nearshore boundary:

- The single exceedance for 2,3,7,8-TCDD within the navigation channel (C679) is only marginally above the navigation channel RAL, and even then only if significant digits beyond the precision of the RAL are considered (RAL of 0.002 ug/L vs. result of 0.00283 ug/L). Furthermore, this exceedance is approximately ten feet below the mudline. Shallower sampling intervals at this location did not exceed the 2,3,7,8-TCDD nav channel RAL.

- The exceedance of the navigation channel RAL for DDx at C679 is adequately bounded by existing sampling data considering the data use objectives. This exceedance is at least a foot below the mudline and is bounded at depth by two lower intervals with results below the navigation channel RALs.

- The nearshore area exceedance of the navigation channel RAL for DDx at WB-34 is 4 to 6 feet below surface and the EPA split of this same sample is well below the nav channel RAL. Shallower samples at this location are below the nav channel RAL. The 2,3,4,7,8 PeCDF detection at this sample location and depth interval is only marginally above the PTW threshold, and only if significant digits beyond the precision of the PTW threshold are considered (PTW threshold for 2,3,4,7,8 PeCDF is 0.2 ug/kg vs sampling result of 0.23 ug/kg).

- The Arkema project area boundary within the navigation channel is depositional as demonstrated in the Pre-Remedial Design Footprint Report and CDM/Kern/EPA SETAC poster. Continuing natural recovery in this area is expected as a result of significant deposition of relatively clean sediment.

In summary, we believe that expanding the Arkema project area into the navigation channel is unnecessary for remedy design and/or monitoring and is therefore unwarranted. Furthermore, LSS is frustrated by EPA's attempt to expand the Arkema project area at this late stage of the negotiations. We urge EPA to reconsider its position so that we may continue towards a mutually agreeable ASAOC.

Please let us know if you would like to schedule a call to discuss this further.

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